

Application Serial No. 10/783,486  
Response to Office Action mailed January 17, 2006

### **REMARKS**

Claims 1-46 are pending in this application. Claims 11-46 have been currently allowed. Claims 1, 2 and 5-10 have been rejected and Claims 3 and 4 have been objected to. In response to examiner suggestions, claims 1-10 have been cancelled, and replaced with claims 47-55.

#### **Allowable Subject Matter**

The Examiner states that claims 11-46 are allowed.

The Examiner further states:

*Claims 3-4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.*

As suggested by the Examiner, claim 3 has been rewritten in independent form, to include all of the limitations of former base claim 1, from which it directly depended (there were no intervening claims). The resulting new claim is herein presented as independent new base claim 47. Further, as suggested by the Examiner, the limitations of former claim 4, which depended from former claim 3, is herein presented in new claim 48, which depends from new claim 47. Since the limitations of new claims 47 and 48 were drawn directly from former claims 1, 3, and 4, no new matter is hereby presented. The Applicant therefore respectfully submits that new claims 47 and 48, as created according to instruction from the Examiner, are in proper condition for allowance.

Additionally, claims 2 and 5-10 have been cancelled. New claims 49-55 are herein presented, containing the limitations of the cancelled claims, but depending from new claims 47 and 48. Since new claims 47 and 48 are in condition for allowance according to Examiner suggestion, the Applicant respectfully asserts that dependent claims 49-55 are also therefore in condition for allowance.

#### **35 USC § 112**

The Examiner asserts:

*Claims 7 and 9 are rejected under 35 U.S.C. 112, second paragraph, as being*

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*indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.*

*In claim 7, "the activating means" lacks antecedent basis.*

The Applicant respectfully traverses the Examiner's assertion. Former (herein cancelled) dependent claim 7 specified "the activating means," which had proper antecedent basis in former (herein cancelled) independent claim 1, specifying the limitation for "means, operatively connected to the detecting means, *for activating* the transmitter to . . ." (Emphasis added). The Applicant respectfully asserts that "means . . . for activating," presented in claim 1, provided proper antecedent basis for "the activating means" in claim 3. By the same argument, the Applicant further traverses the Examiner's related assertion that "the activating means" in claim 9 had no antecedent basis. Since claim 9 depended from claim 7, "said activating means" in claim 9 referred to the same activating means of claim 7, ultimately depending from claim 1.

As a result of the present amendments adding new claims 47-55, new claims 52 and 54 contain similar limitations to cancelled claims 7 and 9, respectively. Therefore, dependent claims 52 and 54 contain reference to "the activating means" and "said activating means," both finding proper antecedent basis in new independent claim 47, which specifies "means . . . for activating." The applicant respectfully asserts that proper antecedent basis is provided, and claims 52 and 54 particularly point out and distinctly claim the subject matter which the Applicant regards as the invention.

### 35 USC § 103

The Examiner asserts:

*Claims 1-2 and 5-10 are rejected under "35 U.S.C. 102(e)" as being unpatentable over Law (US Patent No. 5,812,056) in view of Vetecnik (US Patent No. 4,800,370).*

#### Claim 1:

*Law discloses a system comprising:*

- a. a transmitter (transmitter of transceiver 200) for transmitting at least one encoded wireless signal, the at least one encoded wireless signal having a predetermined range of transmission;*
- b. means (receiver of transceiver 200) operatively coupled to the transmitter, for detecting the presence of at least one object in apposition;*
- c. means 230, operatively coupled to the detecting means, for activating the transmitter to generate the at least one encoded wireless signal when the presence*

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*of the at least one object is detected;*

*d. a receiver (receiver of transceiver 100), remotely located with respect to the transmitter, capable of sensing the at least one encoded wireless signal when the receiver is within the predetermined range of transmission; and*

*e. a receiver controller 30 coupled to the receiver*

*Law fails to disclose having a timing function which timing function timing to a time interval wherein, at the completion of each time interval, the receiver controller (i) repeats the timing function when the at least one encoded signal is sensed by the receiver or (ii) issues an alarm signal when the at least one encoded signal is not sensed by the receiver. However, this concept is very old and well known in the art as taught in Vetecnik (see col. 1, last para.) In light of this teaching, one skilled in the art would have applied this concept in the system of Law because it would reduce false alarms.*

*Claim 2:*

*The at least one encoded wireless signal in Law is an RF signal.*

*Claim 5:*

*The system of Law's further comprises means which is the transmitter of the Guardian unit, operatively coupled to the receiver controller, for communicating an alarm when the receiver controller issues an alarm signal.*

*Claim 6:*

*In Law's system, the communicating means comprises an audio output 46 for generating at least one audio output in response to the alarm signal.*

*Claim 7:*

*The communicating means further comprises audio means, operatively coupled to the activating means, for generating an audio output when the detecting means senses that the at least one object is in the position. Col. 4 in Law, second paragraph.*

*Claim 8 and 9:*

*It is inherent that the receiver controller in Law further comprises a replaceable source for supplying power to the receiver, the receiver controller, the at least one receiver controller and the means for generating a first and second alarms since the devices in Law are wireless portable devices.*

*Claim 10:*

*In Law, the at least one object is a child.*

The Applicant neither traverses nor confirms that claims 1-2 and 5-10 are unpatentable under 35 USC 102(e) over Law in view of Vetecnik. Instead, the Applicant has amended the claims according to the Examiner's suggestion, to rewrite dependent claim 3 in independent form including all of the limitations of its base claim (former/cancelled claim 1). The rewritten claim appears as new claim 47. The Applicant then proceeded to rewrite claims 2, 4, and 5-10, all in dependent form, all depending from new claim 47, which Applicant respectfully asserts is now in allowable condition, according to Examiner instruction. The limitations of claims 2, 4, and 5-10 are now presented in new dependent claims 48-55, which all depend ultimately from new

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independent claim 47. Therefore, regardless of the previous status of claims 1-2 and 5-10 with respect to Law in view of Vetecnik, the Applicant respectfully submits that new claims 47-55 are in proper condition for allowance. As in amendments recited above, no new matter has been added.

### CONCLUSION

In view of the above Response, the Applicant submits that all pending claims in the instant application are in condition for allowance. The Applicant respectfully requests an early action to this end.

Respectfully submitted,

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Date

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